IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
WRIT PETITION NO : 5754 of 1995

Between:
Devareddy Gopal Reddy, S/o. Jayaramireddy,
R/o. Gannamnji Dibbe(V), Hamlet of Yakasiri of Chittamuru Mandal
in Nellore Dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Chittamuru (M), Nellore dist.
2 Station House Officer,
Chittamuru Police Station, Nellore Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly in the nature of writ of Mandamus directing the respondent not to assign or to create any right in any 3rd party in so far as the lands covered by S.No.28/4 to an extent of 2-28, 28/6 to an extent of 0-89,28/7 to an extent of 0-50, 28/8 to an extent of 0-89, 60 to extent of 2-50 ,62/8 to an extent of 0-12,62/9 to an extent of 0-20,62/10 to an extent of 0-42 respectively of Yakasiri (V) measuring 5 Acs 52 Cents Chittamuru Mandal, Nellore Dist pending disposal of the enquiry before the settlement Officer, Nellore.

Counsel for the Petitioner: MR S.VENKATESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This Writ Petition has been filed by the petitioner stating that the petitioner's father died on 05.081988 and the said Legal Representative petition was filed in SR 215/11(a)/82 and the same is pending.

The present Writ Petition has been filed seeking a Writ of Mandamus directing the respondent not to assign or to create any right to any 3rd party insofar as the lands covered by Sy. Nos. 28/4 to an extent of Ac.2.28 cents, 28/6 to an extent of Ac0.89 cents, 28/7 to an extent of Ac.0-50 cents, 28/8 to an extent of Ac.0-89 cents, 60 to extent of Ac.2-50 cents, 62/8 to an extent of Ac.0.12 cents, 62/9 to an extent of Ac.0-20 cents, 62/10 to an extent of Ac.0-42 cents respectively of Yakasiri Village measuring Ac.05.52 cents of Chittamur Mandal, Nellore District pending disposal of enquiry before the Settlement Officer, Nellore.

It is averred in the petition filed in support of the Writ Petition that after the death of the father of the petitioner, he filed LR petition in SR 215/11(a)/82 and the same is pending till today. It is also stated that the petitioner acquired occupancy rights over the subject land both by virtue of the continuing and undisturbed possession. Hence, he filed the Writ Petition as his application is pending before the Settlement Officer for grant of patta.

It has been contended by the learned counsel appearing on behalf of the petitioner that if the petition is disposed of and the land is assigned to third parties, he will be loosing the land and it will lead to multiplicity of litigation.

A counter-affidavit has been filed by the respondents denying the

possession of the lands in question by the fore-fathers of the petitioner. It is also stated that some of the lands were assigned to the local villagers under assignment rules. It is also stated that the father of the writ petitioner has filed application under Section 11(a) of the Estate Abolition Act, 1948 before the Settlement Officer, Nellore claiming Ryotwari patta for the suit lands during the year 1982 and the same was subsequently rejected by the Settlement Officer, Nellore in his S.R.No. 215/11(a)/82/NLR dated 31.03.1988.

In view of the above submission made in the counter, it has to be observed that as there is no material placed before the Court, the above order of the Settlement Officer dated 31.03.1988 have not been set aside by any other higher authority nor the petitioner chosen to question the same. In view of the same the said order of the Settlement Officer has become final and this Writ Petition needs no interference.

Accordingly, the Writ Petition is rejected.

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09-09-2004

kvrm/tsy

To

1 The Mandal Revenue Officer,
Chittamuru (M), Nellore dist.

2 Station House Officer,
Chittamuru Police Station, Nellore Dist.
3. 2 CC to GP for Revenue, High court Buildings, Hyderabad (OUT)
4. 2 CD copies